

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., a corporation,

Defendant.

CASE NO.: 2:23-cv-01495-JHC

STIPULATION AND  
[PROPOSED] ORDER  
REGARDING PRIVILEGE  
LOGGING

NOTE ON MOTION CALENDAR:  
October 25, 2024

The Court's June 11, 2024 Order Regarding Discovery of Electronically Stored Information (the "ESI Order") directed the parties to "meet and confer regarding the scope of logging for internal Federal Trade Commission communications, internal Plaintiff State communications, and internal Defendant Amazon communications." Dkt. #256 ¶ E.8.

Having met and conferred pursuant to the ESI Order, the parties, by and through their respective attorneys of record, hereby stipulate and agree that the following privileged or otherwise protected communications need not be placed on a privilege log: Email, notes, drafts, communications, memoranda, documents, or other work product produced by or exchanged solely among and between:

a. Outside counsel for Amazon;

- b. Outside counsel for Amazon (for this Action and Related Actions)<sup>1</sup> and Amazon employees, as long as such communications are related directly to the representation of Amazon in the pre-Complaint investigation, litigation of this Action, or Related Actions;
- c. Amazon's In-House Counsel who are members of Amazon's Competition team and its Litigation Regulatory team, identified herein,<sup>2</sup> involved in this Action and the Related Actions as long as such communications are related directly to the representation of Amazon in the pre-Complaint investigation, litigation of this Action, or the Related Actions;
- d. Amazon's In-House Counsel who are Designated In-House Counsel under Paragraph 5.3 of the Protective Order in this Action or Designated In-House Counsel under corresponding provisions of the Protective Orders in Related Actions,<sup>3</sup> and Amazon employees, as long as such

<sup>1</sup> For purposes of this stipulation, "Action" refers to the above-captioned case, *Federal Trade Commission v. Amazon*, Case No. 2:23-cv-01495-JHC (W.D. Wash.) and "Related Actions" shall mean the following actions: *Frame-Wilson v. Amazon.com, Inc.*, No. 2:20-cv-00424 (W.D. Wash.); *De Coster v. Amazon.com, Inc.*, No. 2:21-cv-00693 (W.D. Wash.); *Hogan v. Amazon.com, Inc.*, No. 2:21-cv-00996 (W.D. Wash.); *Hopper v. Amazon.com, Inc.*, No. 2:23-cv-01523 (W.D. Wash.); *Zulily, LLC v. Amazon.com, Inc.*, No. 2:23-cv-01900 (W.D. Wash.); *People of the State of California v. Amazon.com, Inc.*, No. CGC-22-601826 (Cal. Super. Ct.); *District of Columbia v. Amazon.com, Inc.*, No. 2021 CA 001775 B (D.C. Super. Ct.); *Mbadiwe et al. v. Amazon.com, Inc.*, No. 1:22-cv-09542 (S.D.N.Y.); *Taylor v. Amazon.com, Inc.*, No. 2:24-cv-00169 (W.D. Wash.); *Brown v. Amazon.com, Inc.*, No. 22-cv-00965 (W.D. Wash.); *State of Arizona v. Amazon.com, Inc.*, No. CV2024-012081 (Ariz. Super. Ct. Maricopa Cnty.); and any and all actions filed after the effective date of this Stipulation and Order that All Parties agree and/or the Court determines meet the criteria of Local Civil Rules 3(g)&(h).

<sup>2</sup> The Amazon In-House Counsel referenced in subparagraph (c) and (d) are limited to: Nate Sutton, Bryson Bachman, Cristina Fernandez, Scott Fitzgerald, Amy Posner, Jasmine Rosner, Andrew Willekes, Omid Banuelos, Caroline Jones, Erna Mamikonyan, Lee Roach, Aaron Ross, Stelios Xenakis, Elisa Perlman, Larry Reicher, Alexis Collins, Zach Jackson, Jeffrey Goldberg, Ashley Boizelle, Brad Elias, Ben Langner, Serena Orloff, Chris Pickett, Tanisha Creed, Kevin Kramer, David Metcalf, Robert Miller, Brian Buckley, Lauren Rothenberg, Sarah Eichenberger, Mike Macko, and Kyle Maurer.

<sup>3</sup> Stipulation and Protective Order ¶ 20(b), *People of the State of California v. Amazon.com, Inc.*, No. CGC-22-601826 (Cal. Super. Ct. Jan. 27, 2023); Protective Order ¶ 5.3(g), *Frame-Wilson v. Amazon.com, Inc.*, No. 2:20-cv-00424 (W.D. Wash. Feb. 27, 2023); Stipulated Motion and Protective Order ¶ 5.3(g), *De Coster v. Amazon.com, Inc.*, No. 2:21-cv-00693 (W.D. Wash. Mar. 15, 2023); Amended Stipulated Protective Order ¶ 5.3(g) *Brown v.*

communications are related directly to the representation of Amazon in the pre-Complaint investigation, litigation of this Action, or the Related Actions;

- e. Counsel for the Federal Trade Commission involved in litigating this Action or in the pre-Complaint investigation, persons employed by or contracted with the Federal Trade Commission involved in litigating this Action or in the pre-Complaint investigation, or Commissioners, as long as such communications are related directly to the pre-Complaint investigation, litigation of this Action, or the Related Actions;
- f. Counsel for each Plaintiff State involved in litigating this Action or in the pre-Complaint investigation, persons employed by or contracted with that State's Office of the Attorney General involved in litigating this Action or in the pre-Complaint investigation, or that State's Attorney General, as long as such communications are related directly to the pre-Complaint investigation, litigation of this Action, or the Related Actions;
- g. The individuals described in subparagraph (e) and (f), above, as long as such communications are related directly to the pre-Complaint investigation, litigation of this Action, or Related Actions; and
- h. The individuals described in subparagraphs (e) and (f), above, and outside counsel, counsel, employees, or contractors for a plaintiff or other State (or that State's Attorney General) where the parties to the communication shared a common legal interest, as long as such communications are

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*Amazon.com, Inc.*, No. 22-cv-00965 (W.D. Wash. July 29, 2024); Amended Stipulated Protective Order ¶ 5.3(g), *Mbadiwe et al. v. Amazon.com, Inc.*, No. 1:22-cv-09542 (S.D.N.Y. Sept. 18, 2024).

related directly to the pre-Complaint investigation, litigation of this  
Action, or Related Actions.

Stipulated to and respectfully submitted this 25th day of October, 2024, by:

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*Attorneys for Defendant Amazon.com, Inc.*

**[PROPOSED] ORDER**

IT IS SO ORDERED.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
JOHN H. CHUN  
UNITED STATES DISTRICT JUDGE

Presented By:

s/ J. Wells Harrell

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